

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CITY OF OMAHA,

Plaintiffs,

v.

R&B EXCAVATING I, INC., et al.,

Defendants.

8:10-cv-00325-LSC-FG3

ORDER

This matter is before the court on the motion of W. Patrick Betterman for leave to withdraw as counsel for defendant, R&B Excavating I, Inc. ("R&B") (Doc. 41).

In response (Doc. 49), Russell Thille, the owner of R&B, advised the court that he does not object to Mr. Betterman's withdrawal and requests that the motion be granted. The record shows that the Clerk has already entered default against R&B and Mr. Thille pursuant to Fed. R. Civ. P. 55(a) (Doc. 40).

IT IS ORDERED that the motion of W. Patrick Betterman for leave to withdraw as counsel for defendant, R&B Excavating I, Inc. (Doc. 41) is granted, and the hearing previously set for January 10, 2011 is cancelled. The court will stop electronic notices to Mr. Betterman in this case.

DATED January 7, 2011.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**